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February 11, 2009

Honorable Stephen C. Robinson  
United States District Court  
Southern District of New York  
United States District Courthouse  
300 Quarropas Street  
White Plains, New York 10601  
Via Facsimile: (914) 390-4179

MEMO ENDORSED

Re: U.S. v. Anthony Bellettieri  
07 Cr 123 (SCR)

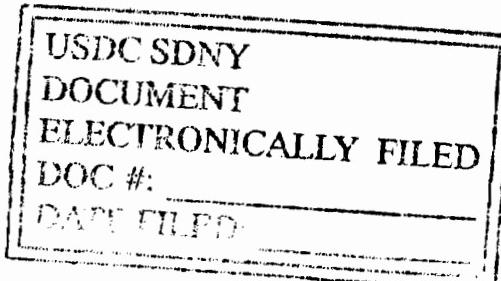
Dear Judge Robinson:

We represent Ronald and Rose Colonna regarding their pending motion concerning the apportionment of restitution. The Government has submitted a proposed order requesting a pro rata distribution.

It is our contention for reasons set forth in the Colonnas' motion and reply papers, that a pro rata disbursement of forfeited assets is unjust in this case.

As an example in reviewing the computation schedule Chase, Colonna and 38 others are listed as victims, and have restitution amounts. It is our contention that most, if not all, of these other individuals and entities lost their funds when Chase froze Bellettieri's accounts in November 2006. It is our belief that the funds in these accounts were not Bellettieri's but rather belonged to these 38 other victims and should not have been appropriated by Chase.

Another example is that we have evidence that Chase was aware of irregularities in Bellettieri's accounts at least six months prior to the November 2006 date and allowed Bellettieri to continue to operate. This evidence would serve to contradict a statement of Thomas Hill, a Chase V.P. that was made in a supporting affidavit attached to Chase's motion. Hill's affidavit would lead the reader to believe that Chase first learned of the overdraft problem in November 2006 and it would appear that Chase actually had knowledge in or about April 2006.



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-2-

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In any event, notwithstanding the Government's position, it is still our request that the Court conduct a hearing to consider the equities in this matter and to make a determination as to the appropriate distribution of assets to the various victims.

Thank you.

Very truly yours,

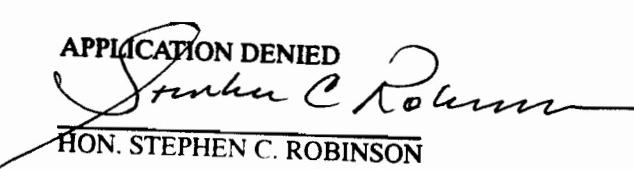
MANCUSO, RUBIN & FUFIDIO

  
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APPLICATION DENIED  
HON. STEPHEN C. ROBINSON  
2/18/09